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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/966,408 | 09/28/2001 | Srinivas Gutta | US010472 (702054) | 4380 |
| 24737 | 7590 | 10/04/2005 | EXAMINER | |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510 | | | AHMED, SAMIR ANWAR | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |
| DATE MAILED: 10/04/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,408

Applicant(s)

GUTTA ET AL.

Examiner

Samir A. Ahmed

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 4, 8-9, 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The amendment filed 3/16/05 have been entered and made of record.
2. In response to applicant's amendment filed 3/16/05, the rejection of claims 4 and 14 under 35 U.S.C.112, second paragraph is withdrawn.
1. Applicant's arguments filed 3/16/05 have been fully considered but they are not persuasive with regard to claims 1, 10, 11, 18 for the following reasons:

As to claims 1, 11, and 18, Applicant alleges, " The Applicant respectfully disagree. Lorente et al. do not teach [,]" (page 9, last three lines- page 10, line 1). The Examiner disagrees. As shown in the top part of Fig. 2, the training process is conducted using different parts of the face shown in Fig.1. The Fig. clearly shows that part labeled (faces) at the left side is separately used in the training and as shown by the downwardly arrow is projected on the corresponding eigenspace. Also part labeled (left sides) is also separately used in the training and as shown by the downwardly arrow is projected on the corresponding eigenspace and so on. It is clear that the training is conducted by separate parts of the face that is repeated in parallel as shown the downwardly arrows from each part. Also as shown by the bottom part of Fig. 2, the test conducted in the same way using separately different parts of the face in a parallel sequence as shown by the downwardly arrows, i.e. the process is repeated in parallel using different parts of the face.

As to claims 3, 13 and 10, Applicant alleges, "The Applicant would like to respectfully, point out that claim 10 [,]" (page 11, lines 7-20). The Examiner disagrees. Gutta discloses a recursive method for classifying faces by identifying a class label and faces that belong to the class and its probability score (see page 952, RC, lines 1-36).

As to claims 5-6, 15 and 16, Applicant alleges, "The Applicant would like to respectfully, point out that there is no disclosure [,]" (page 12, lines 12-25). The Examiner disagrees. Fig. 1, of Lorente shows the training images as different portions of the face on the upper row. As shown in the following rows, the portions of the face are decreased at various increments. As explained in the above arguments, these decreased portions of Fig. 1 is used in both the parallel repeat training of the top part of Fig. 2 and the parallel repeat testing of the bottom of Fig. 2, where portion (Face) is compared to a corresponding portion and a decision is rendered, portion (Left Side) is compared in parallel to a corresponding portion and a decision is rendered, portion (mouth) is compared in parallel to a corresponding portion and a decision is rendered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lorente et al. (Face Recognition of Video Sequences in a MPEG-7 Context Using a Global Eigen Approach). The grounds for rejections stated in paragraph 5 of the Office Action mailed on 11/16/04, are incorporated by reference herein.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2623

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 5-7, 10, 12-13, 15-17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorente et al. (Face Recognition of Video Sequences in a MPEG-7 Context Using a Global Eigen Approach) as applied to claims 1,11,18 above, and further in view of Gutta et al. (Mixture of Experts for Classification of Gender, Ethnic Origin, and Pose of Human Faces). The grounds for rejections stated in paragraph 7 of the Office Action mailed on 11/16/04, are incorporated by reference herein.

Allowable Subject Matter

7. Claims 4, 8-9 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is (571) 272-7413. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (571) 272-7414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SA



**SAMIR AHMED
PRIMARY EXAMINER**